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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,485	08/22/2003	Randall Comfield	ICS-100	8732

7590 08/17/2006  
Louis Tessier  
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CANADA

EXAMINER

PAHNG, JASON Y

ART UNIT PAPER NUMBER

3725

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/645,485		COMFIELD, RANDALL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jason Y. Pahng		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objections***

The amendment overcomes the claim objections made in the last Office action.

### ***Double Patenting***

The double patenting objections of claim 58 and 59 are withdrawn since Applicant has cancelled claims 58 and 59.

### ***Claim Rejections - 35 USC § 112***

The amendment overcomes the claim rejections under 35 U.S.C. 112 made in the last Office action. It is noted, however, that claim rejection 57 is not a mistake. Claim 57 is rejected because its parent claim 56 is rejected.

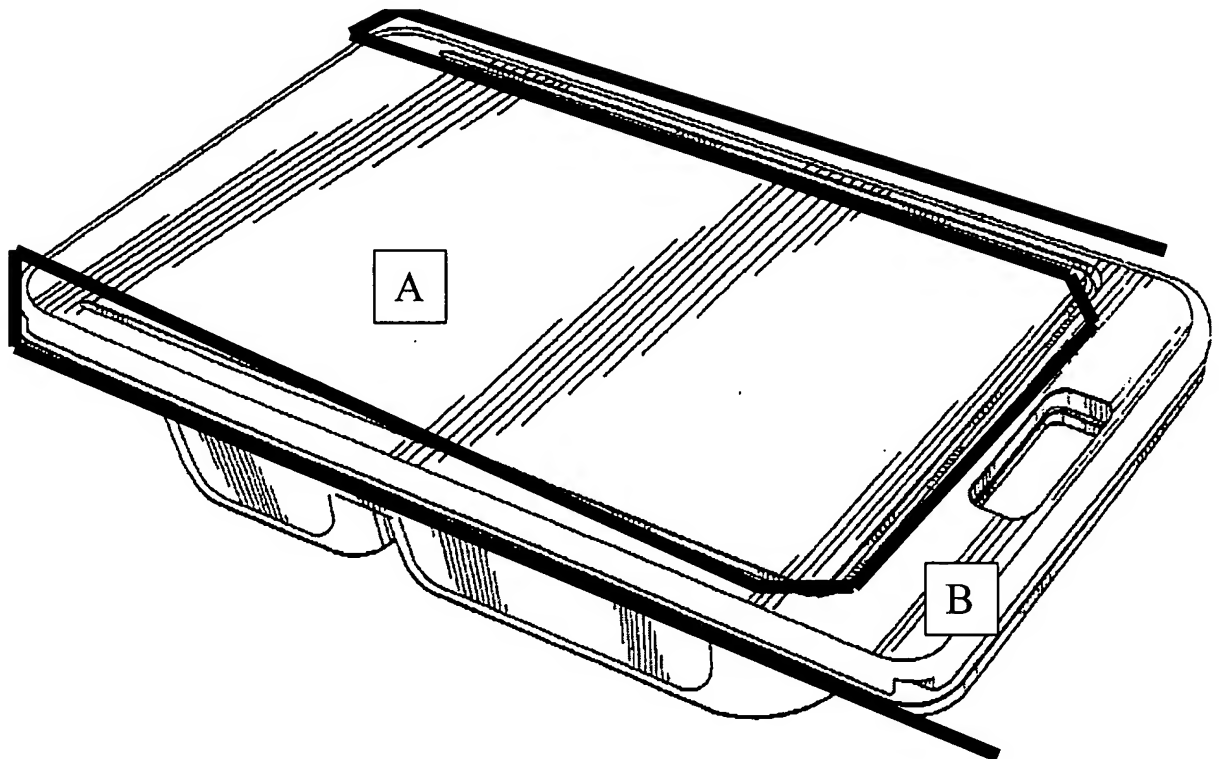
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawatsky (US D374,380).



With regard to claim 45, Sawatsky discloses a food cutting board including:

1. a body having a substantially planar working surface (the top surface of the cutting board);
2. the body including a main area (A and half of the groove);
3. the body including an auxiliary area (B and half of the groove);
4. the main area (A and half of the groove) and the auxiliary area (B and half of the groove) are substantially coplanar and extends continuously from each other;
5. the main area peripheral edge and the auxiliary area peripheral edge have distinct geometrical configurations; and

6. the main (A) and auxiliary areas (B) adapted for or capable of being used for distinct food preparations operations.

With regard to claim 46, Sawatsky discloses at least part of the auxiliary area (B) forming a protruding portion protruding outwardly from an adjacent portion of the main area (A) peripheral edge.

With regard to claim 47, Sawatsky discloses the cutting board stably supported when said main area (A) is rested on a supporting surface, wherein the protruding portion (B) is stably positionable over an open area.

With regard to claim 48, Sawatsky discloses a protruding portion (B) including a discharge aperture extending therethrough.

With regard to claim 49, Sawatsky discloses a main area (A) peripheral edge with at least one substantially rectilinear edge segment, wherein the auxiliary area (B) peripheral edge includes an arcuate edge segment (the four corners, etc).

With regard to claim 50, Sawatsky discloses a substantially rectangular main area (A) and a substantially truncated disc-shaped auxiliary area (B).

With regard to claim 51, Sawatsky discloses an auxiliary area peripheral edge including an arc segment which intercepts one of the lateral edges of the main area.

With regard to claim 52, Sawatsky discloses a discharge aperture configured to allow foodstuff to be scraped therein from the working surface.

With regard to claim 53, Sawatsky discloses a discharge aperture extending through said auxiliary area (B).

With regard to claim 54, Sawatsky discloses a discharge aperture positioned substantially adjacent to said auxiliary area (B) peripheral edge.

With regard to claim 55, Sawatsky discloses arcuate segments of both the auxiliary area peripheral edge and the discharge aperture peripheral edge forming a rim which may be configured to be usable as a handle.

With regard to claim 56, Sawatsky discloses a discharge aperture with a substantially "D" shaped configuration.

### ***Response to Arguments***

Applicant's arguments filed June 6, 2006 have been fully considered but they are not persuasive.

With regard to claim 45, Applicant argues that the presence of groove is clearly contrary to the limitation: "said main and auxiliary areas being substantially coplanar and extending continuously from each other". This is not true. The main area and the auxiliary area are connected to each other continuously. It is noted that main area comprises half of the groove and the auxiliary area comprises the remaining other half of the groove.

Furthermore, because Sawatsky's main area and auxiliary area are connected, it is easy to transfer any food stuffs. If Sawatsky's main area and auxiliary area are not connected, but separated, then it would be difficult to transfer any food stuff.

Applicant does not present any additional new arguments regarding the rest of the claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

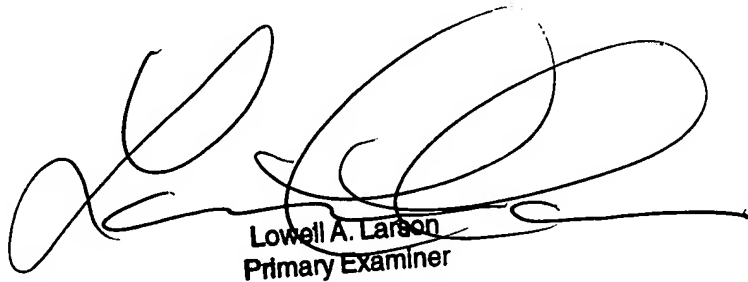
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JYP



Lowell A. Larson  
Primary Examiner